

REMARKS

In the Office Action, the Examiner rejected the pending claims as being indefinite. Applicant has amended claim 1 to remove the recitation "of the type described", and it is therefore requested that the Examiner's rejection be withdrawn.

The Examiner also rejected the pending claims as being anticipated by United States Patent No 4,718,627 (Fast et al.). Applicant has amended independent claim 1 to further distinguish the present invention from that which is disclosed in Fast et al. Claim 1 now specifically claims, among other things, that the neck portion of the strip merchandiser is created by providing a pair of opposed lateral cuts wherein material is removed from either side of the neck portion. Applicant respectfully submits that this is neither disclosed nor suggested by Fast et al.

In Fast et al., a blade is used to sever or slit the material, but no material is actually removed as is now being claimed in claim 1.

A new claim - claim 13 - has been added. Applicant respectfully submits that claim 13 is further patentable over Fast et al. Claim 13 specifically claims that the neck portion joins the body portion below an upper edge of the body portion and joins the header portion level with a lower edge of the header portion thereby facilitating lifting of the header portion in front of a plane of the body portion. This provides for easy movement of the strip merchandiser through the mechanism. In contrast to what is being specifically claimed in claim 13, Fast et al. discloses a neck portion which joins the head above the lower edge thereof with the head being moved behind the plane of the body to facilitate the slotting of the head in a price channel.

Applicant respectfully requests that the Examiner reconsider her rejection and pass this application to issuance.

Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

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By: 

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